

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

:
:
: MDL No. 1456
:

THIS DOCUMENT RELATES TO:

: Civil Action No. 05-10179-PBS
:

*COUNTY OF NASSAU v. ABBOTT LABORATORIES, INC.,
et al.*

: Judge Patti D. Saris
:
:

E.D.N.Y. Case No. 04-CV-5126

**MOTION FOR LEAVE TO FILE SECOND AMENDED
COMPLAINT AND TO FILE UNDER SEAL**

Pursuant to Fed. R. Civ. P. 15(a), Plaintiff County of Nassau, by and through its counsel, hereby respectfully moves this Court for leave to file a Second Amended Class Action Complaint, filed herewith as Exhibit A. In further support of its motion Plaintiff is hereby filing its Memorandum Of Law In Support Of Motion For Leave To File Second Amended Complaint And To File Under Seal, and the exhibits attached thereto.

Plaintiff respectfully requests that its motion be granted in its entirety for the reasons set forth in the Memorandum of Law.

Dated: January 6, 2006
New York, New York

LORNA B. GOODMAN,
Nassau County Attorney, by

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*Special Counsel for the
County of Nassau*

LOCAL RULE 7.1 CERTIFICATE

I, Michael M. Buchman, hereby certify that I have consulted with Lyndon Tretter, Esq., of Hogan and Hartson, counsel for all Defendants, concerning the within Motion For Leave To File Second Amended Complaint And To File Under Seal. I further certify that Mr. Tretter declined to consent to the filing of the Second Amended Complaint.

/s/ Michael M. Buchman
Michael M. Buchman

CERTIFICATE OF SERVICE

I, Ryan G. Kriger, hereby certify that I served a copy of the foregoing document upon counsel for all parties this 6th day of January, 2006.

/s/ Ryan G. Kriger
Ryan G. Kriger